

REMARKS/ARGUMENT

In the Office Action, the Examiner noted that claims 1-20 are pending in the application and that claims 1-20 are rejected. By this response, claims 1-20 remain pending in this application.

Rejections Under 35 U.S.C., §103

Claims 1-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Danknick, et al.* (U.S. Patent No. 5,901,286), and further in view of Official Notice.

The Examiner asserts that, in regards to claims 4, 5, and 7, *Danknick* teaches ordering parts, but does not specifically mention the authorization features of the instant claims. The Examiner takes Official Notice that implementing levels of authorization for automated parts ordering is old and well known in the art. The Examiner further asserts that it would have been obvious to a person of ordinary skill in the art to include in *Danknick* the authorization features as taught in the instant claims, because this would limit the purchasing authorities and provide a set of rules for spending a company's money during the purchasing process.

The Examiner asserts that, in regards to claims 1, 6, and 18-20, *Danknick* teaches ordering for peripheral devices. The Examiner also asserts that, via Official Notice, it is old and well known at the time of the invention of *Danknick* to provide the following features: providing an order location, providing an electronic shopping cart list, placing an order for the consumable with a reseller using the personal computer, automatically placing the ordering response to notify the user and prior to placing the order, and querying a user to authorize placing the order with an identified seller. The Examiner then asserts that it is old and well known at the time of the invention of *Danknick* to provide the features noted above to electronic commerce systems that provide for ordering of parts or services over the Internet. As asserted, the features are

readily available and it would have been obvious to one skilled in the art to include in the ordering portion of the invention of *Danknick* these features because these features would add increased functionality and provide a more friendly user environment.

Applicants disagree with the Examiner taking Official Notice to the above-described features and traverses these assertions, hereby requesting that the Examiner cite a reference in support of his position, or an affidavit if the rejection is based on facts within the personal knowledge of the Examiner (see M.P.E.P 2144.03).

The consumable order assistance computer program of claim 1 is configured to 1) receive a notification from the computer peripheral device via the messaging system of a need to order a consumable, 2) alert a user of the personal computer of the notification, and 3) provide an order location to the user for the consumable. Features 1-3 are not taught or suggested by the prior art. The procedures established by 37 C.F.R. § 1.107(b) (1993) expressly entitle an applicant, on mere request, to an examiner affidavit that provides such citations (see *In re Sun*, 31 USPQ 2d 1451, 1455 (Fed. Cir. 1993)). Applicants hereby request such an affidavit from the Examiner.

Although it is true that an examiner may "take notice of facts beyond the record which, while not generally notorious, are capable of such instant and unquestionable demonstration as to defy dispute" (see *In re Ahlert*, 424 F.2d at 1091, 165 USPQ at 420), features 1-3 are NOT capable of such instant and unquestionable demonstration as to defy dispute. The prior art is *Danknick, et al.*, and it does not indicate that the relationship is well known in the art, nor does it suggest the claimed relationship.

Withdrawal of this rejection is respectfully requested.

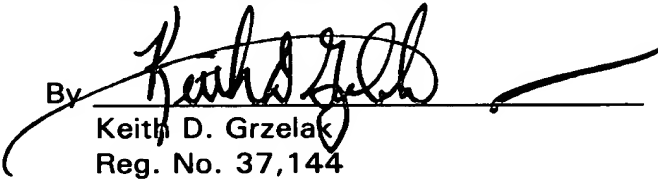
CONCLUSION

For all the reasons advanced above, Applicants respectfully submit that the application is in condition for allowance, and action to that end is respectfully requested. If the Examiner's next anticipated action is to be anything other than a Notice of Allowance, the undersigned respectfully requests a telephone interview before issuance of any such subsequent action.

Respectfully submitted,

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S/N: 09/710,366
Case: 10003235-1
Amendment B

**PATENT APPLICATION
DOCKET NO. 10003235-1**

**IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE**

INVENTOR(S): Robert E. Haines, et al.

SERIAL NO.: 09/710,366

GROUP ART UNIT: 3625

FILED: November 10, 2000

EXAMINER: Mark A. Padok

SUBJECT: "Reorder-Assistance Functionality Levels"

**VERSION WITH MARKINGS TO SHOW CHANGES MADE
IN RESPONSE TO OFFICE ACTION DATED NOVEMBER 8, 2002**

In the Claims:

No claims have been amended, cancelled, or added.

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